

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BILLY EUGENE HUNT,

Petitioner,

-vs-

WARDEN, London Correctional
Institution,

Respondent.

:

Case No. 3:08-cv-125

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 5), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on May 2, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition be dismissed for failure to exhaust available state court remedies without prejudice to its refiling once those remedies have been exhausted.

May 14, 2008.

THOMAS M. ROSE

Thomas M. Rose
United States District Judge